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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

JOHN R. RICONDA,

Plaintiff,

-against-

MARC SHERMAN, EDWARD L. CUMMINGS,  
ROBERT W. VAN HELLEMONT, R. KEITH  
ELLIOT, JOHN F. CUNNINGHAM, AND GEOFF  
SMITH,

Defendants.

Civil Action No. 11-CV-01556

**NOTICE OF DISMISSAL**

Plaintiff John R. Riconda, by its counsel, Kelley Drye & Warren LLP, pursuant to Fed. R. Civ. P. 41(A)(1), hereby dismisses all claims against Defendant John Cunningham ("Defendant Cunningham") in this action voluntarily with prejudice. Defendant Cunningham was not served with process and accordingly has not appeared or filed papers responsive to the Complaint.

Dated: New York, New York  
November 14, 2011



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ATTORNEY FOR PLAINTIFF  
JOHN R. RICONDA

**SO ORDERED:**

/s/ JOANNA SEYBERT

Joanna Seybert, USDJ

Dated: Nov. 15, 2011  
Central Islip, NY

All claims against all  
defendants have been  
voluntarily dismissed.  
Therefore the Clerk of  
the Court is directed to  
mark this matter closed.